

REMARKS/ARGUMENTS

Reconsideration of the application, in view of the above amendments and the following remarks is respectfully requested.

The Examiner states that the proposed drawings filed on April 17, 2002 have been approved and requires corrected formal drawings being submitted with response in order to avoid abandonment of the application. Corrected formal drawings are enclosed herewith.

The Examiner rejects claims 2, 3, 5, 6, 18, 20, and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Hoen in view of Wingo and Laor. The Examiner rejects claims 19, 22 and 28 under 35 U.S.C. 103(a) as being unpatentable over Hoen in view of Wingo and Laor and further in view of Abeles et al. The Examiner rejects claims 21 and 29 under 35 U.S.C. 103(a) as being unpatentable over Hoen in view of Wingo and Laor as applied to claim 18 and 23 and further in view of Duguay.

In response to the Applicant's arguments filed on January 11, 2005, the Examiner states that they have been fully considered but they are not persuasive. The Examiner states that as presently claimed, a controller is responsive to the position of light in the receiver. The Examiner states that because of the open-ended nature of the term "comprising" the claim does not exclude additional, unrecited elements, such as a separate optical means for aligning the mirror to the optical path of the receiver. The Examiner concludes that having a separate optical means for aligning the mirror to the optical path does read on the claims. Therefore, the Examiner has found the arguments not to be persuasive and the claims remain rejected.

Applicant's respectfully disagree with the Examiner that the claims read on the prior art. The prior art does not show a controller which is responsive to position of a collimated light in the receiver for controlling orientation of the micromirror, the Examiner statements to the contrary are notwithstanding. In the prior art, a separate beam is utilized for this control. However, in order to further the prosecution of the application, Applicant's have amended Claim 18 in order to recite that the collimated

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light beam is for transmitting information and that a beam positioner which consists essentially of the controller responsive to the position of the collimated light in the receiver for controlling orientation of the micromirror. Similarly, in Claim 23 the collimated light beam now recites for transmitting information and the controllers only responsive to an external signal generated by the receiver in response to the position of the collimated light in the receiver. Thus, by utilizing the term "consisting essentially of" in Claim 18 and by using the term "only" in Claim 23, the claims are clearly distinguished over the art cited by the Examiner.

Accordingly, Applicants believe that the Application, as amended, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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